

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
9

10 NUSCIENCE CORPORATION,) No. CV 08-2661 GAF (FFM)
11 Plaintiff,)
12 v.) ORDER ACCEPTING FINDINGS,
13 ROBERT HENKEL, et al.,) CONCLUSIONS AND
14 Defendants.) RECOMMENDATIONS OF
15) UNITED STATES MAGISTRATE JUDGE

16 Pursuant to 28 U.S.C. § 636, the Court has reviewed the entire record in this action,
17 the attached Report and Recommendation re Applications for Issuance of Order Finding
18 Defendants in Contempt and Order to Show Cause re Contempt Against Third Parties
19 Joseph and Sharon Henkel (“Report”), and the objections thereto. Good cause appearing,
20 the Court concurs with and accepts the findings of fact, conclusions of law, and
21 recommendations contained in the Report after having made a de novo determination of
22 the portions to which objections were directed.

23 IT IS ORDERED that defendants Robert Henkel and Michael Henkel
24 (“Defendants”) are held in civil contempt of the April 14, 2009 judgment (“Judgment”)
25 and the June 15, 2012 Order Finding Defendants in Contempt (“the “2012 Contempt
26 Order”). In addition, Defendants are ordered to:

27 (1) take down all websites that fail to comply with the Judgment and the
28 2012 Contempt Order, including but not limited to: <http://mikehenkel.com>,

1 http://thetruthaboutcellfood.angelfire.com, and

2 http://henkelo2.angelfire.com;

3 (2) take down all Facebook material that fails to comply with the Judgment,
4 including but not limited material appearing on pages for the following accounts:
5 “Joe Henkel,” “dueterator,” “The Truth About Cellfood,” and “Henkel O2 Earth
6 and Water Solution”;

7 (3) cease all contact, direct or indirect (including through other Henkel
8 familial relations), with any of plaintiff’s customers or other business
9 relations;

10 (4) cease publishing, directly or indirectly, any representations that they
11 know or possess plaintiff’s trade secrets; the Storey formula, or the
12 ingredients, formula, or know-how of CELLFOOD;

13 (5) cease publishing, directly or indirectly, any express or implied
14 representations or threats that they are going to publish, release, or reveal the
15 CELLFOOD formula and/or the Storey formula;

16 (6) compensate plaintiff for the reasonable attorney’s fees and costs it
17 expended in prosecuting its applications; and

18 (7) pay a fine to the District Court of \$5,000 *per diem*, until such time as
19 Defendants have (a) taken down all offending websites, Facebook posts, and
20 other Internet material; (b) ceased contacting plaintiff’s customers or other
21 business relations; and (3) provided the District Court with satisfactory
22 sworn evidence of the removal of the offending material and the steps taken
23 to prevent its reappearance. Such *per diem* fine should not commence until
24 14 days after entry of the District Court’s order finding Defendants in
25 contempt.

26 ///

27 ///

28 ///

1 In addition, the Court will issue an Order to Show Cause directly against third
2 parties Joseph Henkel and Sharon Henkel requiring them to show cause why they should
3 not be held in contempt for violating the Judgment and the 2012 Contempt Order.

4
5 DATED: March 31, 2014



GARY A. FEESS
United States District Judge